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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. CR 07-0560 JSW
14 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
15 v.) EXCLUDING TIME
16 VALERIAN DOBRE,) 18 U.S.C. §3161(h)(8)(A) & (B)
17 Defendant.) SAN FRANCISCO VENUE
18 _____

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20 With the agreement of the parties in open court on August 31, 2007, the Court enters this
21 order excluding time under the Speedy Trial Act from August 31, 2007, to October 11, 2007, the
22 next hearing date. The parties agree, and the Court finds and holds, as follows:

23 1. Mr. Dobre has been charged in a thirteen count indictment for Conspiracy, Bank Fraud,
24 Effecting Transactions with an Access Device and Aiding and Abetting, all in violation of 18 U.S.C.
25 § 371, 18 U.S.C. § 1344, 18 U.S.C. § 1029(a)(5) and 18 U.S.C. § 2.

26 2. On August 31, 2007 a Detention Hearing was conducted before the Honorable Judge
27 Spero. Pursuant to 18 U.S.C. § 3152 (e), Judge Spero ordered the defendant to be detained because
28 there is no condition or combination of conditions that will reasonably assure the appearance of the

STIPULATION AND [PROP.] ORDER
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1 defendant. Judge Spero ordered the defendant detained based on the following reasons:

- 2 (I) The defendant has no ties to the United States;
- 3 (ii) The defendant refused to provide Pre Trial Services with his home address
and he refused to give detailed financial information;
- 4 (iii) There was an ICE hold and the defendant's Business Visa has expired;
- 5 (iv) The defendant was arrested with multiple fraudulent access devices and a
large amount of cash in his possession, and
- 6 (v) The defendant lied to ICE Agents on multiple occasions regarding his
occupation upon entry into the United States.

7 3. As the Government advised the Court, the continuance is necessary for effective
8 preparation of counsel, because the government will be providing discovery and the parties may be
9 negotiating a settlement. Therefore, the continuance is necessary to review the evidence and
10 evaluate the case. In addition, defense counsel travels from Los Angeles to San Francisco for court
11 appearances.

12 4. Thus, the parties agree, and the Court finds and holds, that failure to grant a continuance
13 would unreasonable deny counsel for the defense the reasonable time necessary for effective
14 preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).
15 Finally, the parties agree, and the Court finds, that the ends of justice served by excluding the period
16 from July 31, 2007, to September 11, 2007, outweigh the best interest of the public and the defendant
17 in a speedy trial. See 18 U.S.C. § 3161(h)(A).

18 5. Accordingly, the Court sets a new hearing date on October 11, 2007, and
19 orders that the period from August 31, 2007, to October 11, 2007, be excluded from Speedy Trial
20 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

21 **IT IS SO STIPULATED.**

22 DATED: August 31, 2007

23 _____ /s/
24 TAMARA WEBER
Special Assistant United States Attorney

25 DATED: August 31, 2007

26 _____ /s/
27 J.T. Fox
28 Attorney for Defendant Valerian Dobre

1 **IT IS SO ORDERED.** The parties shall appear on October 11, 2007 at 2:30 p.m. The time from
2 August 31, 2007 to October 11, 2007 shall be excluded from Speedy Trial Act calculations under
3 18 U.S.C. § 3161(h)(8)(A) & (B)(iv), as the ends of justice outweigh the interest
4 of the public and the Defendant in a speedy trial.

5 DATED: _____

6 THE HON. JOSEPH C. SPERO
7 United States Magistrate Judge

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